

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In Re:

CASE NO. 10-27305-PP

JANEL L. SCOTT and
RITCHIE SCOTT

CHAPTER 7

Debtors.

AMENDED MOTION OF U.S. BANK, NATIONAL ASSOCIATION
FOR RELIEF FROM AUTOMATIC STAY AND FOR ABANDONMENT

NOW COMES U.S. Bank, National Association (hereinafter "Creditor"), by its attorneys, Kohner, Mann & Kailas, S.C., and seeks an Order of the Bankruptcy Court granting Creditor relief from the automatic stay and for abandonment, so that Creditor may pursue foreclosure and repossession procedures for payment of the debts owed by Janel L. Scott, with a marital property interest, if any, to Ritchie Scott (hereinafter "Debtors"). In support hereof, Creditor states:

JURISDICTION

1. The Debtors filed for relief under Chapter 7 of the U.S. Bankruptcy Code (11 U.S.C. §101 et seq.) on April 30, 2010. M. Yanira Gonzalez Fernandini is the Chapter 7 Trustee.

Michael J. Keepman, Esq.
Attorneys for U.S. Bank, N.A.
Kohner, Mann & Kailas, S.C.
Washington Building
4650 North Port Washington Road
Milwaukee, WI 53212-1059
Telephone: (414) 962-5110
Facsimile: (414) 962-8725
Email: mkeepman@kmklawfirm.com

2. This Court has jurisdiction over this proceeding under 28 U.S.C. § 1334, § 157, and the Order of Reference of the District Court; this is a core proceeding under 28 U.S.C. § 157; and venue in this Court is proper under 28 U.S.C. § 1409.

3. This Amended Motion is brought pursuant to Bankruptcy Code § 362 and § 554, and the Federal Rules of Bankruptcy Procedure 4001, 9014 and 6007.

MOTION FOR RELIEF FROM THE AUTOMATIC STAY AND FOR ABANDONMENT

4. As of April 30, 2010, the Debtors were indebted under a Note, Mortgage and second Mortgage by virtue of funds and credits advanced to, or on behalf of, the Debtors; to wit:

Principal Balance (First Mortgage)	\$114,284.29
Principal Balance (Second Mortgage)	3,000.00
Interest (First Mortgage)	9,434.72
Accum. Late Charges	207.18
Escrow Advance(s)	2,371.65
Recoverable Corporate Advance(s)	1,011.00
Recording Fees	22.00
Other Fees Due	500.00
Foreclosure Attorneys' Fees and Costs (fees @ \$350.00; costs @ \$250.00)	600.00
 SUBTOTAL	 \$131,430.84

PLUS:

Bankruptcy Attorneys' Fees	500.00
Bankruptcy Attorneys' Costs	150.00
 TOTAL	 \$132,080.84

Interest Per Day from April 30, 2010	20.74
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Interest Rate	6.625%
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5. Said debt is secured by a parcel of real estate and improvements, as evidenced by the loan and security documents attached hereto as an Exhibit. (A copy of said Exhibit is being sent to the U.S. Trustee, Chapter 7 Trustee, the Debtors and counsel for the Debtors. Other parties receiving notice may request a copy of the Exhibit by contacting the undersigned or downloading same through CM/ECF online Administration System.) The real estate and improvements described in the loan and security documents, commonly known as 5150 North 56th Street, Milwaukee, Wisconsin 53218, are hereinafter referred to as the "Collateral."

6. The loan Note is in default. The Debtors have not made the payment due on March 1, 2009, and all payments due since then.

7. The estimated fair market value of the property per the City of Milwaukee Treasurer's office is \$73,800.00, less a forced sale discount of 20%, leaves an estimated value at foreclosure sale of \$59,040.00.

8. The Debtors have no equity in the Collateral and the Collateral is not necessary for an effective reorganization of the Debtors or their estate.

9. The Collateral is burdensome or of inconsequential value and benefit to the bankruptcy estate.

10. Per the Debtors' Statement of Intention filed with the Chapter 7 bankruptcy petition on April 30, 2010, Debtors intend to surrender their property which is the secured property of the described Collateral herein.

11. Creditor is entitled to adequate protection of the Mortgage and lien in and against the Collateral. Neither the Debtors nor the Chapter 7 Trustee has offered to and neither will be able to adequately protect said mortgage interest and lien in the Collateral.

12. Creditor (and its principals, successors, assigns and/or the holder of the mortgage) is entitled to an order terminating the stay of proceedings under 11 U.S.C. § 362 and requiring

the Trustee to abandon the estate's interest in the Collateral under 11 U.S.C. § 554, so as to allow the enforcement against the Collateral of the loan Note and real estate mortgages dated March 27, 2006, recorded on April 5, 2006, in the Office of the Register of Deeds for Milwaukee County, as Document No. 9212942 and Document No. 9212943, in accordance with the terms of the above-mentioned loan and security documents, and applicable state law, including but not limited to the foreclosure and sale of the Collateral, and the application of the net sale proceeds of said Collateral to the indebtedness owed by Debtors.

13. Creditor requests that the Court waive the 14-day stay regarding orders granting a motion for relief from automatic stay, as referenced in Federal Rule of Bankruptcy Procedure 4001(a)(3).

14. Our firm is a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose. **See attached Notice.**

WHEREFORE, Creditor requests that the Court enter an Order terminating the stay of proceedings under 11 U.S.C. § 362 and requiring the Trustee to abandon the estate's interest in the Collateral under 11 U.S.C. § 554, so as to allow Creditor (and its principals, successors, assigns and/or the holder of the mortgage) to enforce rights, interests, liens and claims in and against the Collateral, subject to the real estate mortgage dated March 27, 2006, recorded on April 5, 2006, in the Office of the Register of Deeds for Milwaukee County, as Document No. 9212942 and Document No. 9212943, in accordance with the terms of the above-mentioned loan and security documents, and applicable state law, including but not limited to the foreclosure and sale of the Collateral and the application of the net sale proceeds of the Collateral to the indebtedness owed by the Debtors; that any Order entered pursuant to this motion be effective immediately upon its entry; and

Such further relief as is just and equitable.

Dated: July 6, 2010.

KOHNER, MANN & KAILAS, S.C.
Attorneys for U.S. Bank,
National Association

By: Michael J. Keepman
Attorney No. 1075116

Post Office Address:

Washington Building
4650 North Port Washington Road
Milwaukee, WI 53212-1059
Telephone: (414) 962-5110
Facsimile: (414) 962-8725

CERTIFICATE OF NO INTENT TO FILE A BRIEF

Michael J. Keepman, one of the attorneys for Creditor, states that Creditor does not intend to file a brief with this Amended Motion. Creditor, however, reserves the right to file a brief should a party in interest object to this Amended Motion or file a brief in opposition to this Amended Motion.

Michael J. Keepman

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NOTICE REQUIRED BY THE FAIR DEBT
COLLECTION PRACTICES ACT (the Act)
15 U.S.C. Section 1692 As Amended

1. Kohner, Mann & Kailas, S.C. is a debt collector and the attached Motion and this Notice are an attempt to collect a debt. Any information you provide to Kohner, Mann & Kailas, S.C. will be used for that purpose.
2. This Notice pertains to your dealings with Kohner, Mann & Kailas, S.C., as a debt collector. It does not affect your dealings with the court, and in particular it does not change the time at which you must respond to the Motion. The information in this Notice also does not affect my firm's relations with the court. As lawyers, Kohner, Mann & Kailas, S.C. may file papers in the court according to the court's rules and the judge's instructions.
3. The amount of the debt is stated in the Motion attached hereto. Because of interest, late charges, attorneys' fees and other charges, the total amount of the debt may vary from day-to-day, and may become greater than the amount stated in the Motion. Hence, if you arrange to pay the amount shown in the Motion, an adjustment may be necessary after we receive the payment check, in which event we will inform you before depositing the payment check. For further information write our firm at the address set forth below or call our firm at (414) 962-5110.
4. The creditor as named in the attached Motion is the creditor to whom the debt is owed.
5. The debt described in the Motion attached hereto will be assumed to be valid by Kohner, Mann & Kailas, S.C., unless you, within 30 days after the receipt of this Notice, dispute the validity of the debt or some portion thereof.
6. If you notify Kohner, Mann & Kailas, S.C. in writing within 30 days of the receipt of this Notice that the debt or any portion thereof is disputed, Kohner, Mann & Kailas, S.C. will obtain a verification of the debt and a copy of the verification will be mailed to you by Kohner, Mann & Kailas, S.C.
7. If the creditor as named in the attached Motion is not the original creditor, and if you make a written request to Kohner, Mann & Kailas, S.C. within the 30 days from the receipt of this Notice, the name and address of the original creditor will be mailed to you by Kohner, Mann & Kailas, S.C.
8. The law does not require us to wait until the end of the thirty (30) day period before proceeding before the court. If, however, you request proof of the debt or the name and address of the original creditor within the thirty (30) day period that begins with your receipt of this Notice, the law requires us to suspend our efforts (through litigation or otherwise) to collect the debt until we mail the requested information to you.
9. Written requests should be addressed to Kohner, Mann & Kailas, S.C., 4650 North Port Washington Road, Milwaukee, Wisconsin 53212-1059.

UNITED STATES BANKRUPTCY COURT
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In Re:

CASE NO. 10-27305-PP

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RITCHIE SCOTT

CHAPTER 7

Debtors.

NOTICE OF AMENDED MOTION OF U.S. BANK, NATIONAL ASSOCIATION
FOR RELIEF FROM AUTOMATIC STAY AND FOR ABANDONMENT

U.S. Bank, National Association, by its attorneys, Kohner, Mann & Kailas, S.C., has filed papers with the Court to seek relief from the automatic stay and for abandonment. A copy of the Amended Motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant relief from the automatic stay, or if you want the Court to consider your views on the amended motion, then **on or before July 20, 2010**, you or your attorney must:

Michael J. Keepman, Esq.
Attorneys for U.S. Bank, N.A.
Kohner, Mann & Kailas, S.C.
Washington Building
4650 North Port Washington Road
Milwaukee, WI 53212-1059
Telephone: (414) 962-5110
Facsimile: (414) 962-8725
Email: mkeepman@kmklawfirm.com

File with the Court a written response explaining your position at:

Clerk of the U.S. Bankruptcy Court
United States Courthouse
517 East Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above.

You must also mail a copy to:

Kohner, Mann & Kailas, S.C.
Attention: Michael J. Keepman, Esq.
Washington Building
Barnabas Business Center
4650 North Port Washington Road
Milwaukee, WI 53212-1059

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the amended motion and may enter an order granting that relief.

Our firm is a debt collector. This is an attempt to collect a debt, and any information obtained will be used for that purpose.

Dated: July 6, 2010.

KOHNER, MANN & KAILAS, S.C.
Attorneys for U.S. Bank,
National Association

By: Michael J. Keepman
Attorney No. 1075116

Post Office Address:

Washington Building
4650 North Port Washington Road
Milwaukee, WI 53212
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FOR THE EASTERN DISTRICT OF WISCONSIN

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RITCHIE SCOTT

CHAPTER 7

Debtors.

CERTIFICATE OF SERVICE

STATE OF WISCONSIN)
)
)SS
COUNTY OF MILWAUKEE)

I, the undersigned, hereby certify that on the 6th day of July, 2010, I caused a true copy of the foregoing **Notice of Amended Motion and Amended Motion of U.S. Bank, National Association for Relief from Automatic Stay and Abandonment**, to be served upon the following parties by Notice of Electronic Filing:

M. Yanira Gonzalez Fernandini, Chapter 7 Trustee
Michael S. Georg, Debtors' Attorney
Office of the U.S. Trustee

I also caused to be manually served a true copy of the documents described above in a properly first-class, postpaid envelope bearing sender's name and return address, and addressed and mailed to:

Debtors
Janel L. Scott and
Ritchie Scott
5150 North 56th Street
Milwaukee, WI 53218

Creditors
(See Attached Creditor Mailing List)

Dear Gen

Subscribed and sworn to before me
this 6th day of July, 2010.

Notary Public, Milwaukee County, WI
My commission expires: 06/24/12.

Ford Motor Credit Company LLC
c/o Stewart, Zlimen & Jungers
2277 Hwy 36 West, #100
Roseville, MN 55113-3896

AT&T
PO Box 8100
Aurora, IL 60507-8100

Account Recovery Servi
3031 N 114th St
Wauwatosa, WI 53222-4218

Afni
Po Box 3097
Bloomington, IL 61702-3097

(p)AMERICAN HONDA FINANCE
P O BOX 168088
IRVING TX 75016-8088

(p)AMERICOLLECT INC
PO BOX 2080
MANITOWOC WI 54221-2080

Chase
201 N. Central Ave Floor 11
Phoenix, AZ 85004-1071

Citfingehut
6250 Ridgewood Road
St. Cloud, MN 56303-0820

Cnac - WI101
7776 N 76th St
Milwaukee, WI 53223-3912

Collection
Ccs
Po Box 709
Needham, MA 02494-0005

Educators Credit Union
1400 N Newman Road
Racine, WI 53406-2881

Falls Collection Svc
Po Box 668
Germantown, WI 53022-0668

Fed Adj Co
7929 N. Pt. Wash.
Milwaukee, WI 53217-3135

Ford Motor Credit Corporation
National Bankruptcy Center
Po Box 6275
Dearborn, MI 48121-6275

Froedtert Hospital
9200 W. Wisconsin Ave.
Milwaukee, WI 53226-3596

Fst Premier
3820 N Louise Ave
Sioux Falls, SD 57107-0145

(p)GET IT NOW LLC
3726 S 27TH STREET
MILWAUKEE WI 53221-1305

Hampton Dental
5323 W. Hampton
Milwaukee, WI 53218-5019

(p)INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY OPERATIONS
PO BOX 21126
PHILADELPHIA PA 19114-0326

Kohn Law Firm
312 E. Wisconsin Ave.
Suite 501
Milwaukee, WI 53202-4305

Medical College Physicians
P.O. Box 13308
Milwaukee, WI 53213-0308

Medical College of WI
8701 Watertown Plank Rd
Milwaukee, WI 53226-4801

Mhfs
Po Box 1996
Milwaukee, WI 53201-1996

Nco Financial Systems
507 Prudential Rd
Horsham, PA 19044-2368

Oac
Po Box 371100
Milwaukee, WI 53237-2200

Parking Collection Services
PO Box 1348
Long Island City, NY 11101-0348

Prfdcredco
8301 N 76th St
Milwaukee, WI 53223-3207

Professional Acct Mgmt In
Attn: Sabrina
Po Box 391
Milwaukee, WI 53201-0391

R Flippin
3915 W. Capitol Dr
Milwaukee, WI 53216-2528

T Mobile
P.O. Box 742596
Cincinnati, OH 45274-2596

T Mobile
PO Box 2400
Young America, MN 55553-2400

Tadych Law Office
5232 W. Oklahoma Ave., #200
Milwaukee, WI 53219-4599

Turcott Medical & Psychiatric Assoc.
2600 N. Mayfair Road
Suite 785
Milwaukee, WI 53226-1375

Unique Collection
119 E. Maple
Jeffersonville, IN 47130-3439

WI DOR
PO Box 8901
Madison, WI 53708-8901

WI DOT
Traffic Accident Section
PO Box 7919
Madison, WI 53707-7919

Wi Electric
Attention: Bankruptcy A130
PO Box 2046
Milwaukee, WI 53201-2046

Wilber & Associates
PO Box 2159
Bloomington, IL 61702-2159

Zenith Acquisition
170 Northpointe Pa
Amherst, NY 14228-1884

Janel L. Scott
5150 N. 56th Street
Milwaukee, WI 53218-4214

Ritchie Scott
5150 N. 56th Street
Milwaukee, WI 53218-4214

American Honda Finance
PO Box 168088
Irving, TX 75016

Americollect
PO Box 1566
Manitowoc, WI 54221-1566

(d) Americollect Inc
1851 S Alverno Rd
Manitowoc, WI 54220

Get It Now
5700 Tennyson Park
Plano, TX 75024

Internal Revenue Service
Department of the Treasury
P.O. Box 21126
Stop N781
Philadelphia, PA 19114

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Nc

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